



DEVELOPMENT STANDARDS CODE

SUBDIVISION PLATTING PROCEDURES
AND REQUIREMENTS

ARTICLE 8, SECTION 19 SUBDIVISION PLATTING PROCEDURES

Section 8-19-1 Introduction

No owner/developer proposing a subdivision within the corporate limits of the City of Nogales shall subdivide or file a record of survey, map or plat for recording, or sell lots or parcels within the whole parcel or subdivision, or proceed with any construction of any kind until such subdivision shall have followed the procedures detailed below and shall have received approval of the final plat for recording with the County Assessor's office by the Planning and Zoning Commission and the Board of Aldermen.

The preparation, submission, review and official action concerning all subdivision plats, plats filed for the purpose of reverting to acreage of land previously subdivided, plats filed for the purpose of vacating streets or easements previously dedicated to the public and for plats filed for the purpose of vacating or redescribing lot or parcel boundaries recorded, within the city shall proceed through the following progressive stages, except as otherwise provided.

In the event that there exists extraordinary conditions, such as but not limited to, topography, adjacent development or other circumstances that would make strict adherence to this Section impossible or create undue hardship for development, the Planning and Zoning Commission may transmit recommendations for mitigation of the problem to the Board of Aldermen who shall then make recommendations to the Commission concerning approval or denial of the preliminary plat. The Board may seek City Attorney legal written opinion to reach a positive conclusion.

If the preliminary plat is rejected by the Commission or the final plat is rejected by the Board of Aldermen, a new filing of a plat for the same tract or any part thereof shall follow the aforementioned procedures and be subject to the fee schedule as if it were a new application.

Section 8-19-1.1 Disagreement

In the event that the Planning and Zoning Commission does not approve a final plat development/subdivision application, the owner/developer may then submit the plat plans together with a request to the City Clerk to appear on the agenda of the next regularly scheduled Council meeting for consideration by the Board of Aldermen to overturn the Commission's denial of final plat approval and to approve the final plat for recording. The burden of proof to the Board lies with the owner/developer.

The request to appear on the agenda shall be made in writing to the City Clerk and shall be submitted within thirty (30) days from the official denial of the final plat by the Commission. The Chairperson of the Commission shall be present at the public hearing to represent the Commission's views and reasons for denial of the final plat, or the Vice-Chairperson in the Chairperson's absence. The Board may make a decision at the meeting,

or set a date for futher hearing or schedule for a study session.

Section 8-19-1.2 Phases

- A. Preapplication Stage**
- B. Preliminary Plat Stage**
- C. Final Plat Stage**

Section 8-19-2 Preapplication Stages

- A. Introduction. This stage affords the subdivider the opportunity of obtaining the advice and assistance from and of informally discussing the proposed subdivision with the Development Review Committee prior to the expense of a preliminary or final plat preparation. This stage of processing also affords the Committee the opportunity to give informal guidance at a time when potential points of conflict can be most easily resolved, subsequent relations improved, official action simplified, and undue expense and delay saved by the subdivider.
- B. Development Master Plan Application. The subdivider shall confer with the Committee and present the graphic depiction of his proposal on one or more sheets of twenty-four by thirty-six inch (24" x 36") proportions with supporting detailed information, at an appropriate scale, including but not limited to:
 1. Name.
 - a. Name of subdivision if property is within an existing subdivision.
 - b. Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded.
 - c. Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
 2. Ownership.
 - a. Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference. If the property is held in trust the names of all beneficiaries of the trust shall be provided.

- b. Citation of any existing legal rights-of-way or easements affecting the property.
 - c. Existing covenants on the property, if any.
 - d. Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
 3. Description. Location of property by government lot, section, township, range and county, graphic scale, north arrow, and date.
 4. Features.
 - a. Location of property lines, existing easements, burial grounds, railroad rights-of-way, water-courses, location, width, and names of existing or platted streets or other public ways within or immediately adjacent to the tract; names of adjoining property owners from the latest assessment rolls within one hundred fifty (150) feet of any perimeter boundary of the subdivision.
 - b. Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site and utility rights-of-way.
 - c. Approximate topography extrapolated from U.S.G.S. Quad Sheets, at the same scale as the sketch plat.
 - d. The approximate location and widths of proposed streets.
 - e. Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
 - f. The approximate location, dimensions, and areas of all proposed or existing lots.
 - g. The approximate location, dimensions, and area of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.

DEVELOPMENT STANDARDS CODE

- h. Adequate information to enable the Committee to find and appraise features of the sketch plat in the field.
 - i. Whenever the master plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at an appropriate scale, a sketch of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the street.
 - j. A vicinity map showing streets and other general development of the surrounding area.
- C. Master Plan Submission Review and Approval. The subdivider shall prepare and submit six (6) copies of a Development Master Plan to the Department of Planning. The planning staff shall review the submittal for conformance with the requirements of subsection B above. When the staff has found the submittal to be in compliance, the Development Master Plan shall be submitted to the Committee. The Committee shall review the Development Master Plan for its general approach to area planning and capability of satisfying public objectives as contained in the General Plan and may request similar review and recommendation by school authorities and such other officials as it may consider appropriate. The Committee may find that the Development Master Plan provides an acceptable basis for preliminary platting or may require its modification prior to consideration of any preliminary plat by the Committee and the Commission.
- D. Updating of Development Master Plan. An approved Development Master Plan shall be kept up-to-date by the subdivider as plats are subsequently submitted and approved and an up-to-date copy submitted with each preliminary plat submittal. Whenever revision of an approved Development Master Plan is proposed, the subdivider shall discuss each revision with the Committee prior to preparation and submission of any subsequent plat.

Section 8-19-3 Preliminary Plat Stage

- A. Introduction. This stage includes preparation, submission, review, and approval of the preliminary plat based on the approved Development Master Plan. Processing will be expedited by submission of all information essential to determining the intended character and general acceptability of the proposal.

B. Information Required for Preliminary Plat Submission

1. **Form and Scale:** Preliminary plat information shall be presented on one or more plan sheets of twenty-four by thirty-six inch (24" X 36") proportions with written date entered directly thereon or contained in letters or documents attached thereto. All mapped data for the same plat shall be drawn at the same standard engineering scale of one-hundred (100) feet to the inch. A larger scale may be utilized with written permission of the Planning Director in situations which warrant its use as a result of a need to show detail which cannot be easily shown at a scale of one-hundred (100) feet to the inch.

2. **Identification Data:**

(A.) Proposed subdivision name, location by section, township and range, referenced by dimension and bearing to a section corner or a 1/4 corner.

(B.) Name, address and telephone number of property owner(s). Proof of ownership shall consist of a copy of the current title report, of which said copy shall be copied no more than thirty (30) days prior to the date of submittal, and shall be from a title company authorized to conduct business in the State of Arizona.

(C.) Name, address and telephone number of the person preparing the plat. The plat shall be stamped and signed by a registered surveyor or engineer licensed by the State of Arizona (The final plat shall bear the stamp and signature of a registered engineer licensed by the State of Arizona)

(D.) Name, address and telephone number of the agent for the property owner(s).

If the land is owned by a corporation, proof of agency shall consist of a Corporate Resolution designating the individual who shall act as agent for the company. The Corporate Resolution must be certified by the Secretary of the Corporation, and it must be authenticated by the corporate seal, or acknowledged in the form prescribed in A.R.S. 33-506.2, and amendments, if any.

If the land is owned by a partnership, proof of agent shall consist of a written document from the partner(s) designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. 33-506.3, and amendments, if any.

If the land is owned by an individual, proof of agent shall consist of a written document designating an individual who shall be agent and individual responsible for all requirements herein this Ordinance. The document shall be certified and acknowledged in the form prescribed by A.R.S. 33-506.1, and amendments, if any.

- (E.) Scale, north point, and date of preparation including any revision dates.
- (F.) A location map, not necessarily to scale, shall be drawn on the preliminary plat. It shall show the street and tract lines and names and numbers of all existing subdivisions, and the outlines of acreage and parcels of land adjacent to the proposed development.

3. Existing Conditions Data:

- (A.) Topography by the contours related to a U.S.G.S. Survey datum and shown on the same sheet as the subdivision layout. Contour interval shall be two (2) feet for grades up to five (5) percent, and five (5) feet for grades over five (5) percent.
- (B.) Precise location of water wells, washes, and drainage ditches including direction of flows.
- (C.) Location, widths, and names of all dedicated streets, alleys, utility rights-of-way of public record, easements of record, public areas, and permanent structures to be retained within or adjacent to the tract.
- (D.) Name, book, and page numbers of recorded plats abutting the tract or across a boundary street.
- (E.) Legal description, by metes and bounds, boundary dimensions and acreage of the proposed development.
- (F.) The approximate boundaries of all areas subject to the 100 year floodplain area and the location, width and direction of flow of all water courses.
- (G.) The names of subdivisions and owners of property which adjoin the proposed subdivision.
- (H.) Proposed and existing covenants, if any, on the proposed subdivision.
- (I.) Current Zoning and zoning of adjacent properties, names of property owners within 150 feet of the proposed subdivision and current adjacent land uses and all unsubdivided area within 250 feet of the proposed subdivision.
- (J.) Existing sewer, water, gas, electric, cable TV lines, sizes and capacities.

4. Proposed Conditions Data:

- (A.) Street layout including location and widths of all streets, alleys, crosswalks, if any, easements, and the proposed

names of streets; the ingress and egress of all access ways, connections to existing streets, dimensions, a typical cross-section of all different streets to be constructed, curbs, gutters if different than rolled curb gutters, sidewalks where required, street alignments, pavement markings, signages, street light locations, monuments, sewer and water profiles.

- (B.) Lot layout including scale dimension of typical lots; width and depth of all corner lots and lots on street curves; each lot numbered consecutively; total number of lots; key lots/corner lots which shall be identified by lot number in a side legend, square footage of each lot, proposed pad elevations, if any, setbacks from lot line, off-street parking, total acreage of the subdivision, distances to existing utilities to be connected to.
- (C.) Location, widths and proposed use of all easements.
- (D.) Location, extent, and proposed use of all land to be dedicated or reserved for public use, as applicable.
- (E.) Draft of proposed deed restrictions, if applicable.
- (F.) Show clear vision at all intersections of streets.
- (G.) Show proposed sewer, water, gas, electric, cable TV lines, sizes of lines, pipe material type, and capacities.
- (H.) Water meter box locations behind the curb, and level with the ground.
- (I.) Show manholes every 500 feet and at angles, clean-outs, water line blow-off valves, valves for water and gas lines, new fire hydrants every 500 feet.
- (J.) In proposed subdivisions over 75 lots, show one average sized lot to be set aside for future use of open space, recreational or park. If within one year said lot has not been developed for public use by the city the lot shall revert to owner for sale and/or development.
- (K.) Show all easements to be at least fifteen (15) feet except for water courses which shall be at least twenty (20) feet.
- (L.) Show any pad elevations to compensate for floor levels above floodplain levels as required by UBC and FEMA.
- (M.) If proposed subdivision is within 250 feet of city utilities, the subdivision shall be required to connect to city services.
- (N.) Off-site improvements shall include streets, alleys, curbs, gutters, sidewalks where required, street lights, water/

sewer lines, fire hydrants, water meters, grade and fill in the public areas, floodplain improvements where required, street signs, pavement markings, any traffic lights or railroad crossing devices required by state agencies and their control panels and devices, gas lines, cable TV lines, electric lines, valves, manholes and covers clean-outs, blow-off valves, power poles.

Water meters shall be purchased from the city and fire hydrants shall be National Standard Thread.

- (O.) Water lines shall be no less than six (6) inches on cul-de-sacs, circles, lanes, ways and places. All arterial, collector, and major/minor local streets shall be a minimum of eight (8) inch water lines.
- (P.) Subdivisions to use septic tanks and leeching fields shall be required to perform soil tests and percolation tests at a minimum of one (1) per acre or more as required by the Arizona Department of Environmental Quality.
- (Q.) Plat shall show right-of-way lines, courses, lengths; and shall show widths of all streets, alleys, crosswalks as required, access ways, utility easements; show radii and points of tangency, central angles of curvilinear streets and the radii of all rounded street line intersections.
- (R.) Show designated drainage ways and dedications to the public.
- (S.) Show utility and public service easements including any limitations of easements. Construction within such easements shall be limited to utilities, landscaping, wood, wire or removable section type fences.
- (T.) Sitelines of all existing and proposed easements shall be shown by fine dashed lines. If any easement already on record cannot be definitely located, a statement of the existence, nature thereof, and its recorded reference shall appear on the title sheet. Distance and bearings on the sitelines of lots which are cut by an easement shall be arrowed or shown so that the map will indicate clearly the actual length of the lot lines. The widths of all easements and sufficient ties with respect to the subdivision shall be shown. All easements must be clearly labeled and identified. If an easement shown on the map is already of record, its recorded reference must be given. If an easement is being dedicated on the maps, it shall be set out in the owner's certification for dedication.
- (U.) Grading plans and drainage reports.

5. Proposed Utilities: All lots to be developed shall be provided public water supply and sanitary sewage if within 250 feet of city services.

6. Soil Engineering Report: A soil engineering report which shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading. The soil engineering report shall include suggestions concerning erosion control of the project site during construction as well as upon completion.
7. Site Hydrology Report: A site hydrology report shall be submitted which shall include the following:
 - (A.) A map and calculations showing the drainage area and estimated run-off of the area being served by any drainage facility within the proposed grading and drainage plan.
 - (B.) Indication of the undeveloped peak discharge of surface water currently entering and leaving the subject property from a one-hundred (100) year storm.
 - (C.) Indication of developed peak discharge of run-off which will be generated on the completed property due to a storm within the subject property.
 - (D.) Determination of the developed peak discharge of water that will be generated by the 100 year storm or the storm design to be used at various sub-basins on the developed property.

DEVELOPMENT STANDARDS CODE

- e. A discussion of the drainage management facilities and/or techniques which may be necessary to rectify drainage problems.
- f. All information supplied shall be in conformance with the City's adopted procedures for drainage studies.

8. Transportation Impact Report

- a. Purpose. A transportation impact report designed to identify the transportation (traffic) impacts and problems which are likely to be generated by a proposed use and to identify all improvements required to insure safe ingress to and egress from a proposed development and maintenance of adequate street capacity and elimination of hazardous conditions.

- b. Applicability. A transportation impact report shall be required in the following cases:

1. Any development which proposes to take direct access to any collector or arterial road.
2. Any residential development which proposes to have more than twenty-five (25) dwelling units.
3. Any use which according to the City Engineer will generate in excess of either two hundred and fifty (250) trips per acre per day or one hundred (100) trips per day.

- c. Contents of transportation impact report

1. General site description. A detailed description of the street network within one (1) mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following times: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and rights-of-ways, (d) all existing traffic signals and traffic control devices, (e) all

DEVELOPMENT STANDARDS CODE

existing and proposed public transportation services and facilities within a one (1) mile radius of the site.

In addition, any changes to be street network within one-half (.5) mile of the site, proposed by any governmental agency, shall be described. This description shall include the above items as well as any proposed construction project that would alter the width and/or alignment of the present highway.

2. Description of existing traffic conditions. A report based on the following shall be provided.

An average traffic load shall be determined for all streets which will have direct access to the proposed development site. The existing average traffic volume and an estimate or recorded average peak hour volume for any weekday shall be stated.

Traffic volumes for connecting streets and all access ways within the development shall be averaged to determine the average hourly peak volume for a five period including a weekend.

3. Transportation impact of the development. The average weekday trip generation rates (trip ends) and the highest average hourly weekday trip generation rate between 3:00 p.m. and 6:00 p.m. for the proposed use shall be determined from the table contained in this subsection or from figures provided by a qualified traffic engineer. A report shall be made detailing the nature and extent of the trip generation expected to result from the proposed development.
4. Determination of roadway service level.
 - a. Calculate service volumes. Roadway service volumes shall be calculated at level of service B for roads identified as collectors. Critical elements to be considered in this calculation are:

DEVELOPMENT STANDARDS CODE

lane width and number of lanes, restricted lateral clearance, the service volume/capacity ratio, percentage of site passing distance greater than one thousand five hundred (1,500) feet, percentage of trucks, grade, and operating and average speeds. Data and procedures contained in the Highway Capacity Manual Special Report 87, published by the Highway Research Board, shall be utilized in deriving the data required by the transportation impact report.

Service volume for the given level of service (C for arterials, D for collectors) will be computed directly from capacity under ideal conditions using the adjustment factors for level of service and the critical elements listed above. The specific tables to be used vary, depending on whether the roadway being analyzed is a multi-lane or two-lane highway.

- b. Calculate whether the roadway is currently operating at the required level of service. The roadway is considered to be operating at or above level of service C (inclusive of levels A and B) if the service volume computed in Subsection (B) is greater than the hourly peak volume for the period between 3:00 p.m. and 6:00 p.m. All arterial roadways operating below level of service C (inclusive of levels D, E, and F) shall be identified as congested locations. Similarly, the roadway is considered to be operating at or above level of service B (levels A, B, and C) if the service volume computed in Subsection (B) is greater than the hourly peak volume for the period between 3:00 p.m. and 6:00 p.m. All collector roadways operating below level of service B (inclusive of levels E and F) shall be identified as congested locations.

5. Determination of Intersection Service Level.

- a. Calculation of intersection capacity at levels of service B and C. A load-factor analysis shall be conducted for a period of five (5) weekdays (Monday-Friday) on all intersections within one-half (.5) mile of a proposed site. The highest average hourly load factor between 3:00 p.m. and 6:00 p.m. shall also be recorded. A maximum load factor of three-tenths (.3) will be allowed for intersections involving two (2) arterials or an arterial and one (1) collector roadway. All such intersections with a load factor greater than three-tenths (.3) are operating below level of service C (inclusive of levels D, E, and F) and shall be identified as congested locations.

A maximum load factor of seven-tenths (.7) will be allowed for intersections involving two (2) collector roads. All such intersections with a load factor greater than seven-tenths (.7) are operating below level of service D (levels E and F) and shall be identified as congested locations.

This load factor will represent the highest average for the five (5) days between Monday and Friday. A load-factor analysis is an indicator of the level of service at which an intersection is functioning. The calculation required by this section will identify intersections that are presently operating above capacity for levels of service B and C.

- b. Determine capacity of intersections within one-half mile of proposed site at levels of service B and C. For intersections which currently are operating with a load factor below three-tenths (.3) during the peak afternoon period, the intersection capacity for level of service C shall be determined. For intersections currently operating with a

Load factor below seven-tenths (.7) during the peak afternoon period, the intersection capacity for level of service C shall be determined. This calculation will require that a traffic count be conducted for a five (5) day period between Monday and Friday at all affected intersections. Peak hour volume between 3:00 p.m. and 6:00 p.m. shall also be recorded. The traffic count shall determine: (1) percentage of right-hand turns, (2) percentage of left-hand turns, (3) percentage of trucks and (4) peak hour factor.

6. Analysis of Transportation Impact. The projected total future peak hour traffic demand shall be calculated for all roads fronting on a proposed site and all intersections within one-half (.5) mile of the site. This demand shall consist of of an assumed normal increase of traffic volume of one (1) percent per year (unless traffic engineering studies indicate a different rate of increase) and the anticipated traffic that will be generated by the proposed development. An analysis shall be undertaken to determine if roadways and intersections will operate at the appropriate level of service following completion of the development given the future peak hour traffic that will be generated by the proposed development. This analysis consists of the comparison of the total future peak hour intersection and roadway traffic demand with the service volumes for levels C and D computed in Subsection (c) above. All roadways and intersections that would operate below the required level of service following completion of the development shall be considered deficient.
7. Maintenance of levels of service B and C. Whenever level of service is determined to be below level C in the case of arterials or below level D in the case of collectors, development is not permitted unless the developer makes the roadway or other improvements necessary to maintain level of service B or C respectively.

DEVELOPMENT STANDARDS CODE

8. Traffic Control devices. Whenever, as the result of additional traffic generated by a proposed development, the Manual determines the need for a traffic signal or regulator sign, the developer shall be responsible for installing all said devices and signs after approval by the City.
9. Large developments (over 250 vehicle trips generated per one hour period between 3:00 p.m. and 6:00 p.m.).
 - a. The impact report for developments which will generate between 250 and 1,000 trips during the peak hour shall, pursuant to Section 3a supra, involve an analysis of all arterial and collector roadways and all intersections within one (1) mile of the proposed site.
 - b. The impact report for developments which will generate over 1,000 trips during the peak hours shall involve an analysis of all arterial and collector roadways and all intersections within three (3) miles of the proposed site.

In addition to the traffic survey, an analysis of the intersection shall be undertaken. This analysis will determine the current width of the intersection and the green time to cycle time ratio (G/C ratio).

SEC. 8-19-4 Preliminary Plat Submission Procedures

- A. Filing and Meeting Dates: An application for plat approval together with ten (10) copies of the preliminary plat; three (3) copies of the required supporting data; proof of ownership and proof of agency, as described later, shall be filed with the Planning Director at least two weeks prior to the regular Planning Commission meeting at which the subdivider may be heard. The Planning Director shall record the date of filing and transmit the plats and supporting data to the Development Review Committee.

The time of filing of the preliminary plat shall be the time at which the same with all required accompanying data, is received by the Planning Director. The Director shall indicate the date of filing upon all copies of the plat and

accompanying data. A filing fee, determined by the Board of Aldermen herein listed, shall be paid at the time of filing of the plat. No filing fee shall be required for additional preliminary plats covering the same tract or revisions of the initial map filed prior to the Planning Commission's action.

- B. Preliminary Plat Review: The Planning and Zoning Director shall receive, review, and process the preliminary plat in order to determine its compliance with the provisions of this Code. The Director of Planning shall distribute copies of the plat to the following members of the Development Review Committee:

1. Planning/Zoning Director
2. Zoning Administrator
3. City Engineer
4. Director of Public Works
5. Director of Public Safety or Chief of Police and Fire Chief
6. Floodplain Administrator
7. City Attorney (Code conformance)
8. Other staff as appropriate
9. Santa Cruz County engineering and zoning where subdivision abuts Santa Cruz County

SEC. 8-19-4.1 Review Process

- A. Once submitted, the preliminary plat shall be assigned a docket number.
- B. Initial Review: If the preliminary plat does not meet the requirements of this Code, the Planning Director shall immediately provide the applicant or his agent a written notification of all deficiencies found in the initial review process. Once the plat meets all of the initial requirements of this Code, the preliminary plat shall be transmitted to the Development Review Committee within fourteen (14) days of docket assignment.
- C. Development Review Committee Action: Each member of the DRC shall have thirty (30) days to review the plat in accord with their respective areas of authority. At the end of the 30 day period the Committee shall meet as a Whole and shall discuss any concerns, changes, amendments, etc., and shall agree to prepare a written report of its findings and recommendations. Any DRC member who fails to respond to the plat by this meeting shall be deemed to have accepted what was represented on the plat for his particular area of authority. The Committee shall review the plat to consider the requirements of this Code and other City ordinances; pertinent state regulations; and comments from other public and utility agencies. The written report shall be submitted to the Planning and Zoning Commission, Director of Planning and to the applicant or his authorized agent.

- D. Response: 'The applicant, upon receipt of the written comment, amendments, recommendations, etc. shall amend the preliminary plat to accommodate the necessary changes, if any. If there are questions concerning any amendment to be made the applicant may make an appointment with the DRC member in whose area the question is concerned for discussion and clarification.

Once all necessary amendments have been accomplished by the applicant, applicant shall submit a revised preliminary plat of ten (10) more copies. These shall be logged in by the Planning Director and transmitted once again to the Development Review Committee. The Committee members shall have fourteen (14) days to make comments and or approval of the required changes as being satisfactory and shall sign off on the DRC Action Notice. Once the Action Notice has been signed off by all members of the Committee then the preliminary plat shall be scheduled for the next regularly scheduled meeting of the Planning and Zoning Commission for consideration for approval of the preliminary plat.

E. Planning and Zoning Commission Action:

1. After receiving the preliminary plat and the Action Notice the Commission shall consider the plat. The applicant shall be in attendance at this public hearing to answer questions and defend the development and plat.
2. If satisfied that all requirements and objectives of this Code have been met, the Commission shall find approval of the preliminary plat by passing a resolution by majority vote. Once approved the applicant shall prepare the plat for final plat approval.
3. Approval of a preliminary plat by the Commission shall be supported by findings:
 - a. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
 - b. That the site is physically suitable for the type of development;
 - c. That the site is physically suitable for the proposed density of development;
 - d. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife or protected vegetation, riparian areas and habitats.
 - e. That the design of the subdivision or improvements are not likely to cause serious public health problems involving the new addition or surrounding properties.

4. If the Commission rejects a preliminary plat, the reasons for the rejection shall be recorded in the official minutes and thereafter any new filing of a preliminary plat for the same tract, or any part thereof, shall be resubmitted as if a new application and shall be subject to all new filing fees.

SEC. 8-19-5 Final Plat Process

- A. Introduction: This phase includes final plat submission including copies, assurances of construction, approvals to construct utilities by the Arizona Department of Environmental Quality, all supporting plans, drawings, reports, fees, and mylars or photocopies of mylars; Commission review; final public hearing of the Commission; final public hearing of the Board of Aldermen.
- B. Information Required for Final Plat Submission:
 1. Preparation of Final Plat: The final plat shall conform to the approved preliminary plat and be prepared in accordance with the provisions of this Code with any corrections as previously indicated, and all of the following not previously indicated on the plat:
 - a. Two mylar originals, or photo mylar copies with one key map as sheet number one with recording menu, symbols key, required legends and data, stamped by a registered engineer with the State of Arizona and signed by said engineer and owner.
 - b. Ten (10) copies of plat, blue line or blackline on white background.
 - c. Approvals to construct utilities from the Arizona Department of Environmental Quality; water, sewer, septic tanks and leeching fields, etc.
 - d. Assurances of construction and fees.
 - e. Identification data: As on preliminary plat.
 - f. Survey data:
 - i) Boundaries of the tract fully balanced and closed, showing true point of beginning and all bearings and distances determined by an accurate survey in the field; all dimensions expressed in feet and decimals thereof;
 - ii) Any exceptions within the plat boundaries located by bearings and distances measured in feet and decimals thereof determined by an accurate survey;
 - iii) Location and description of cardinal points to which

all dimensions, angles, bearings, and similar data on the plat are referenced; two (2) corners of the subdivision traverse shall be tied by course and distance to separate section corners or quarter-section corners; the directional datum for all bearings shall be indicated by actual survey;

iv) Location and description of all physical encroachment upon the boundaries of the tract.

g. Descriptive data: Same as for preliminary plat.

h. Final Plat Certificates: The following certificates and acknowledgements shall appear on the final plat and said certificates shall be lettered or printed legibly with permanent opaque ink and shall be signed and dated as prescribed hereafter:

1) A certificate signed and acknowledged by all persons holding title by deed to the lands, or if the lands are dedicated or held in trust, the trustee shall sign the certificate, or if land is to be dedicated or mortgaged the mortgagee shall also sign their certificate. Said certificate is to indicate that it is the owner's intention to subdivide and plat the land shown and described hereon and that the public right-of-way shown hereon are not dedicated to the public but the right to use said easements for the purposes indicated is perpetually reserved to the public and no permanent building or structure shall be constructed upon said easement

ii) A certificate executed by a land surveyor registered to practice in the State of Arizona under whose direction the survey, subdivision, and plat of the land described on the said plat was made; stating that the plat is a correct representation of all the exterior boundaries of land surveyed and the subdivision of it; stating that he has prepared the description of the land shown on the plat and that he certifies to its correctness; stating that the bearings shown on the plat are expressed in relation to the true meridian or previously established meridian or bearing and that all existing monuments shown on the plat are actually located in the ground and their location, size, and material are correctly shown. The certificate shall include the registration number, seal, and signature of the registered land surveyor.

iii) A certificate executed by a land surveyor registered to practice in the State of Arizona that all monuments are set in accordance with the provisions of this Code. The certificate shall include the registration number, seal, date and signature of the registered land surveyor

iv) A certificate for signature by the City Engineer that the final plat has been checked for conformance to the requirements of the provisions of this Code and any other applicable ordinance and regulations and that said plat complies with all requirements thereto under the authority of the City Engineer.

v) A certificate for signature by the Chairman of the Planning and Zoning Commission that the final plat has been approved and that all Commission requirements have been fulfilled.

vi) A certificate for signature by the Director of Planning and Zoning that all requirements of this Code other than stated above have been completed and are in conformance and that final plat is acceptable for recording at the Assessor's Office and acceptable for inclusion of the plat into the city official map system and inclusion of all items to be dedicated to the public

vii) A certificate for signature by the City Clerk that the Board of Aldermen have approved the final plat for recording and showing the date of approval

viii) A certificate to be executed by the Santa Cruz County Recorder showing the date, time of day, fee number, book, and page number of recordation and signature.

2. Final Plat Submittal Procedures

a. Pre-submission Requirements: The final plat shall meet all requirements of the zoning district in which it is located and any necessary zoning amendment shall have been previously adopted by the Commission and Board of Aldermen prior to filing of the final plat.

b. Submission Requirements: At least ten (10) working days prior to the Commission meeting at which the plat may be considered for final approval, the applicant shall file with the Planning Director the following:

- i) Those items stated previously above.
- ii) Final drainage reports and two (2) copies of associated drainage improvement plans. A grading plan with cut and fill quantities shall be included.
- iii) Two (2) copies of the utility plan(s); said plan(s) shall show proposed line locations and proposed construction details to indicate the configuration and construction of any trenches, the location and outside dimensions of terminal boxes, transformers, vaults, closures, poles, telephone risers, fire hydrants, valve boxes and similar appurtenances relating to all electrical lighting, gas, telephone, and cable

television improvements/facilities to be constructed within public rights-of-way or easements being given for public use.

- iv) One copy of the easement plan; said plan shall be a reproduced copy of the final plat reflecting all necessary utility easements thereon and authenticated by signatures of authorized representatives of all serving utilities. Said signatures shall be construed as evidence and satisfaction of utility easement requirements of the serving utilities.
- v) One original of the project engineer's costs estimate of all public improvements, engineers' and surveyors' costs, and materials costs for public improvements including drainage and fill.
- vi) Calculation sheets, in a form approved by the City Engineer, giving coordinates of the boundary of the subdivision, blocks and lots thereon.

C. Final Plat Review, Approval and Recording

1. When the Planning Department has determined that all necessary requirements have been completed and submitted, the Director shall transmit copies of the plat and improvement plans to the Planning and Zoning Commission and City Engineer.
2. Approval by City Engineer: Upon receipt of the final plat and accumulated data the Engineer shall review the same to insure:
 - a. Compliance with this Code under his authority;
 - b. That the plans are technically correct (survey data, mathematical data, and computations)

The City Engineer shall inform the Planning Director who in turn shall inform the developer or authorized agent of any errors or omissions and of any corrections to the final plat which are required. When the City Engineer finds the final plat and required data submitted to be sufficient, and all provisions of the A.R.S., city codes and adopted standards have been complied with, the City Engineer shall certify his approval by signing the proper certificates on the plat, and affixing his stamp thereto.

3. At the next regularly scheduled meeting of the Commission the plat and all submittals shall be checked for conformity and when the Commission has determined all is in order, shall forward same to the Board of Aldermen with a positive recommendation for approval and acceptance for recording, or same shall table for fulfillment of any further requirements or considerations by the Commission as required by the developer.
4. At the public hearing of the Board of Aldermen the Planning Director shall coordinate and summarize the Development Review Committee, City Engineer, and Commissions' recommendations as presented to the Board. In addition the developer or his authorized agent shall be present to answer any questions of the Board and to present his purpose for the particular development before the Board for approval. If the Board requires further amendment of the plat it shall be returned to the developer who shall re-submit it after the amendments have been performed to the Planning Director prior to re-placement on another regularly scheduled public hearing of the Board for reconsideration for approval.
5. Once approved by the Board of Aldermen the plat shall be certified approved by the signatures and required stamps on the plat, including the owner, his engineer, his surveyor, the City Clerk, the Planning Director, the Chair of

the Commission on the appropriate certificates on the plat within five (5) working days after approval. Said plat shall be recorded with the Santa Cruz County Assessor's office, at owner's expense, whereupon a photo copy of the recorded mylar shall be provided to the city for records filing.

6. After completion of all off-site improvements and public improvements and before official acceptance and formal dedication to the city of said improvements, the developer shall provide the Planning Director two copies of all as-built drawings on the plat, if different from the original recorded plat.
7. Once all off-site improvements and public improvements have been completed, the developer shall request in writing that the City Engineer inspect all the improvements for acceptance by the City. If all improvements are acceptable by the City Engineer, he shall so state in writing and shall recommend to the Board of Aldermen that all said improvements to be dedicated to the City be accepted by and into the city maintenance system.
8. At the next regularly scheduled meeting of the Board of Aldermen the dedications shall be placed on the agenda for public hearing and with the stated recommendation by the City Engineer, all public improvements to be dedicated to the city shall be formally accepted by the Board. At that time any bond, cash or other improvements guarantee remaining in the city's possession concerning the development shall be returned to the owner, minus any funds used for necessary completion of any required improvement, if any.

SEC. 8-19-6 Assurance of Construction of Public Improvements, Off-Site Improvements, Improvements Security

Any person required to install public improvements-off-site improvements under the provisions of this Code shall provide security by one of the following methods:

1. Posting of a performance bond issued by a qualified surety in the amount of the total costs of all off-site improvements, public improvements, grading and drainage, engineering and surveyor costs, and materials cost for said public improvements, off-site improvements; or
2. Establishing a cash trust in the same amount as 1 above, said funds to be deposited with the city to the credit of said developer; or
3. Depositing with the city a certificate of deposit issued by a banking institution authorized to issue same, in the amount

as stated in 1 above; or

4. Filing with the city an executed contract of guaranty between the city and a trust company, banking institution or other financial institution authorized to enter into such contracts, for the amount stated in 1 above; or
5. Filing with the city a third party trust agreement executed by a trust company, banking institution or other financial institution authorized to enter into such contracts, in the amount stated in 1 above.

The amount of said security is to be based upon the costs estimates prepared by the developer's registered professional civil engineer and submitted to the city in writing, breaking out the various individual costs as stated in 1 above, and a total cost of all the individual costs.

A completion date for the improvements shall be declared by the owner or his agent and engineer and the security shall provide for its forfeiture to the city in the amounts of any required improvements not completed or not in compliance with this code and state code, or not acceptable to the city by the declared completion date due to the default of the developer/owner. Where applicable, a concurrent agreement may be executed between the city and developer/owner providing for incremental improvements in Planned Area Developments, provided, however, that each approved increment shall conform to the security requirements above stated. The Board of Aldermen may require of owner/developer such further assurance of completion of improvements as the Board may deem necessary in the best interests of the public health, safety and welfare.

SEC. 8-19-7 Design Principles and Standards

Miscellaneous Requirements

1. All development in the City of Nogales shall conform to the provisions of the General Plan, Land Use Analysis, and Minimum Standards for Public Works Construction, and other governmental agency regulations as required. Any exceptions shall be duly authorized by the prevailing agency responsible for any particular regulation.
2. All development in the City of Nogales shall conform to the provisions of the Development Standards Code, and related ordinances, rules, regulations and other governmental agency regulations as required.
3. Where any tract or parcel of land to be subdivided contains all or any part of a site for a park, school, flood control facility, or other public improvement, as shown on the plat or detailed in the General Plan, or otherwise required by the Board of Aldermen, such site shall be dedicated to the public or reserved for acquisition by the public within a specified period of time. An agreement shall be reached between the subdivider and the appropriate public agency regarding time, method, and cost of such acquisition, if any.
In the event the City Attorney determines that such an agreement cannot be consummated within a reasonable period of time by the city, then the Attorney may make a determination that the developer has fulfilled the requirements of this section.
4. Land which is subject to periodic flooding, or land which cannot be properly drained either due to terrain or exorbitant remedies and costs, or other land which, in the opinion of the city and the Commission, is unsuitable for any particular kind of use requested, shall not be subdivided, except that the Commission and Board may approve said subdivision of land upon receipt of evidence from the developer's engineer, the City Engineer, and, where necessary, the various health or environmental agencies involved, that said subdivision of the property may in part or in whole be utilized for a different use, or the same use intended where specific remedies can be expected to render the land suitable for the use; thereafter construction upon such property shall be prohibited until the specified improvements to mitigate any problems have been completed by the developer to the satisfaction of the regulating agency involved, whereupon the developer may then submit his preliminary plans for approval of the development.
5. Certain proposed streets, as designated by the Commission, shall be extended to the tract boundary to provide future connection with adjoining unplatted parcels.

6. Major and minor local street developments shall be so arranged as to discourage their use by through traffic.
7. Where a proposed subdivision abuts or contains an existing or proposed arterial route, the Commission may require marginal access streets or reverse frontage with non-access easements along the arterial route, or such other treatment as may be justified for the protection of residential properties from the nuisance and hazard of high-volume traffic, and to preserve the traffic function of the arterial route.
8. Where a subdivision abuts or contains the right-of-way of a railroad, or a limited access highway, or a waterway/arroyo/wash under control of the Army Corps of Engineers, or abuts a commercial/industrial land use, the Commission and/or Board may recommend location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for appropriate use of the intervening land. Such distances shall be determined with due regard for approach grades, drainage, bridges, or future grade separations.
9. Streets shall be so arranged in relation to existing topography as to produce desirable lots of maximum utility and streets of reasonable gradient, and to facilitate adequate drainage.
10. Half-streets shall only be allowed to provide right-of-way to complete an existing street pattern, or insure reasonable development of a number of adjoining parcels.
11. Dead end streets, including cul-de-sacs, will not be approved except in locations designed such that no future extensions would be necessary to connect to future subdivision of adjacent lands, otherwise the facing lot in the right-of-way of any potential future street shall be left vacant and dedicated to the public as an easement for a road and utilities the same size as the street leading into the parcel.
12. Streets which intersect an arterial shall do so at a ninety degree angle; intersections of all other streets shall not vary from ninety degrees angle of intersection by more than fifteen (15) degrees for 150 feet or less from the intersection.
13. Lot width, depth, access, and area shall comply with the minimum requirements of the appropriate zoning district in which the parcel exists, and shall be appropriate for the location and character of the current environment, and for the type and extent of street and utility improvement being installed.
14. Proposed streets shall be arranged in close relation to existing topography. Where steep topography prevails, as in hillside platting, and where street grades must of nec-

essity exceed standard maximums, the standards of Sec. 8-19-8 may be followed.

15. Side lot lines shall be substantially at right angles or radial to street lines, except where exceptions have been granted.
16. Every lot shall abut upon a public street or private access way.
17. Single family residential lots extending through the block and having frontage on two parallel streets shall not be permitted, except as approved by the Commission and Board of Aldermen appropriately justified by the developer/owner.

SEC. 8-19-7.1 Miscellaneous; Easement Planning

1. Easements for utilities shall be provided as follows:

A. Where alleys are provided: four feet for aerial overhang on each side of the alley shall be provided by dedication, but need not be delineated on the plat.

B. Alongside lot lines: seven and one-half feet on each side of a lot line for distribution of utility facilitation, and one foot on each side of lot lines for street lighting where lighting is required.

C. Guy and anchor easements: one foot wide on each side of a lot line and approximately thirty-five (35) feet in length measured from the rear lot line as designated.

2. For lots facing on curvilinear streets, utility easements or alleys may consist of a series of straight lines with points of deflection not less than one hundred twenty feet apart. Points of deflection should always occur at the junction of side and rear lot lines on the side of the exterior angle. Curvilinear easements or alleys may be provided, providing that the minimum radius for the alley or easement shall not be less than eight hundred feet.
3. Where a stream or important surface drainage course abuts or crosses the tract, dedication of a public drainage easement of a width sufficient but not less than twenty feet, to permit widening, deepening, relocating, or protecting said water course shall be required.
4. Land within a public street or drain easement or land within a utility easement for major power transmission lines or pipelines shall not be considered a part of the minimum required lot area except where lots exceed one-half acre in area. This shall not be construed as applicable to land involved in utility easements for distribution or service purposes.

5. Lots backed into major streets, railroads, canals, washes, commercial/industrial districts shall have the maximum depth as possible, or no less than ninety feet (90), and shall have one foot at the back recorded as a non-access private easement.

SEC. 8-19-8 Hillside Development

Because of problems peculiar to hillside development special standards and conditions must be considered. The provisions of this Section shall be applicable to all preliminary plats to be processed and all final plats not recorded on the date of the enactment of this Code, and the division of all land in a hillside development area regardless of the size of the parcel(s).

1. Subdivisions

A. Special preliminary plat requirements:

a. A topographic map of existing terrain with contour intervals adequate to show the nature and variations in the terrain:

- 1) Two foot (2) contour intervals for grades more than fifteen percent (15%)
- 2) Five foot (5) contour intervals for grades less than fifteen percent (15%)
- 3) Elevations of critical spots, rock outcrops and special characteristics

B. Where necessary and evident to determine that lots will be useable, the Planning Director and/or Commission may require a grading plan for each lot, in conformance with the grading and drainage regulations in this Article, showing the natural topography of the total parcel(s) to be platted, the location and size of all structures, the finish grade of all improvement locations, and the depth and extent of all cuts and fills.

C. A report by a licensed geologist or soils engineer to determine any geological hazard and soil bearing quality may be required.

D. Location of existing and proposed conservation easements.

2. Special Final Plat Requirements, where required

A. A final grading plan which conforms to the requirements of the grading and drainage regulations of this Code.

B. A detailed topographic map at larger scale and closer contour intervals or suitable cross-sections or profiles

of areas where streets, driveways, buildings, utilities, or grading construction is proposed.

- C. Road profiles and cross sections at all significant changes in slopes; the cross-section to show proposed and natural grade at the centerline of the street, the right-of-way line and the proposed building setback lines and pad elevations, if any.
- D. Locations of all building sites and proposed driveways and/or parking lots.

3. Special Design Standards

- A. Street and private access way grades shall conform as closely as possible to natural topography but shall not exceed the grade requirements of Section 8-8-3.
- B. Street grades exceeding seven (7%) percent for arterials, ten (10%) percent for collectors, and twelve (12%) percent for local streets as approved by the Commission and City Engineer, shall not exceed six-hundred (600) feet in length at that grade.
- C. Upon approval by the City Engineer in writing, and as approved by the Commission, due to special circumstances justified by the developer/owner, horizontal alignments may provide opposing curve centerline radii of less than one-hundred (100) feet, and curves with less than 100 feet centerline radii.
- D. Upon written approval of the City Engineer, various designs for turning and backing types of cul-de-sacs may be substituted for circular turn-arounds.
- E. Upon written approval of the City Engineer, required paving widths of traffic lanes may be modified on streets with parking aisles, when off-street parking bays are provided, developed, and paved in the right-of-way.
- F. Centerline of street paving/alignment may be off-set from the centerline of the right-of-way to accommodate parking aisles in the right-of-way.
- G. Vertical curbs shall be required on the downhill side of streets having grades of six (6%) percent or greater; concrete U or V gutter may be installed in lieu of conventional rolled or vertical curb elsewhere.
- H. On a corner lot no grading shall be allowed which results in the ground level being increased so as to present an obstruction to vision above a height of three feet above the grade of either street within an area formed by the lot lines on the street sides of such lot, and a line

joining points on such lot lines located a distance of thirty-five feet from the point of their intersection.

- I. Transverse street cross-section with gutter on the uphill side may be used where approved in writing by the City Engineer.
- J. All cut and fill slopes shall be within the roadway right-of-way or roadway easement; slope maintenance easement for roadway cuts and fills may be required by the City Engineer.
- K. All excavated material shall be removed from lots and roadways or contained behind retaining walls or landscaped so that the slopes of any fill material will not be visible from any public street.
- L. Panhandle, double frontage, and other unorthodox lots shall be permitted so long as it can be adequately demonstrated that this design will eliminate excessive cuts and fills and that no lot will be adversely affected by any other lot so arranged. The area of the panhandle on which driveways are located shall not be included in the required lot area.
- M. Private access ways may be permitted to provide access to lots in lieu of the required street frontage where justifiable. Each private access way serving one lot shall be a minimum of twenty (20) feet in width, and each private access way serving more than one lot shall have a minimum paved surface of twenty-four (24) feet in width. Where needed, additional easements for drainage or utilities shall be provided.
- N. Maximum driveway grades shall not exceed fifteen (15%) percent for driveway lengths under fifty (50) feet.
- O. Building sites shall be located in accordance with recommendations of any required soils or geologic report and shall be free of any geological hazards or unsuitable soil conditions.
- P. Retaining walls on the downhill side of the lots shall not be higher than six feet at the property line; any additional retaining walls shall be set back from the first wall a minimum of one foot horizontally for every one foot in height above the first wall.
- Q. All new subdivisions in zoning districts of 12,000 square feet or smaller lot size shall be required to install 48" sidewalks for residential districts, and 60" for commercial/industrial districts. All other districts with minimum lot sizes of 12,001 square feet or larger shall install sidewalks as above only in case where required by the Commission and Board of Aldermen.

4. Grading Standards for Lots and P.A.D. Sites

- A. No grading shall be permitted on hillside parcels without a site grading and drainage plan when required by this Code, copies of which shall be submitted to the Planning Director and City Engineer for approval.
 - B. The total area of all grading, including all cuts and fills and those areas required for driveways, swimming pools and deck, recreation courts and patios but not including the total areas under structural roof, shall not exceed ten percent (10%) of the hillside area of the lot or P.A.D. site.
 - C. All excavated material shall be removed from the premises or maintained behind retaining walls or landscaped so that the slopes of any fill material will not be visible from any public street or private access way.
 - D. The area between stepped retaining walls shall be landscaped with screening plant material. The landscaped areas between the retaining walls shall not be included in the total graded area allowed. Retaining walls shall be used for the purpose of containing fill material or for minimizing cut or fill slopes. They shall not be used to terrace or otherwise alter natural terrain, except as approved by the Commission and Board of Aldermen.
5. Utilities: All utilities shall be installed underground in the streets and/or private access ways. Water and public sewer service shall be provided to each lot when the parcel is within 250 feet of city services.

SEC. 8-19-9 Public Improvements: General Requirements

There is a purpose to establish responsibility of the developer/owner/subdivider in the planning, construction, and financing of public-off-site improvements, and to establish procedures thereto

1. **Responsibility:** All improvements required for and in streets, alleys, access ways, easements, etc., which are required as a condition to plat approval, shall be the sole responsibility of the developer/owner/subdivider, provided, however, that same may be allowed to meet the requirements by participation in an improvement district approved by the city.
2. **Construction/Inspection:** All construction shall be in compliance with the city minimum standards for construction, other governmental agency requirements, and A.R.S. statutes, for any development within the city.
 - A. All improvements in the public right-of-way shall be constructed under the inspection and approval of the City department having jurisdiction for that improvement. No construction shall start until a permit has been issued for such construction from the Chief Building Inspector.
 - B. All underground lines and utilities to be installed in streets shall be constructed to the required depths after the finished grade of the street has been completed.

Service stubs to platted lots of any kind shall be placed to such a length and in such a fashion before new streets are paved; and in existing streets to provide for as few pavement cuts as possible. In any event, compaction replacement shall be the same as before disturbance or at least 95%.

Wherever possible, utility stub connections shall be free of the street paving and located in the designated right-of-way up to private property lines. Exceptions shall be approved in writing by the City Engineer upon proper justification for changing the location of stubs.
3. **Required Improvements**
 - A. **Streets and Alleys:** within a subdivision shall be graded and surfaced to cross-sections, grades and standards as required, and shall intercept and connect to existing streets adjacent to the subdivision.
 - B. **Curbs:** shall be installed using Portland cement concrete for the various curb types, or pre-formed sections may be used.
 - C. **Sidewalks:** shall normally be required on both sides of the street and shall be constructed with Portland cement concrete to approved widths, depths, lines and grades.

- D. Crosswalks: where required, shall be constructed using Portland cement concrete to approved lines and grades.
- E. Street Signs: shall be placed at all street intersections, in time for use, and designed, located and installed according to city and state standards.
- F. Storm Drainage: shall be proper and adequate for disposal of storm waters, where required, equally applied to grading of public and private properties and streets. Existing major water courses shall be maintained and dedicated as drainage ways. The type, extent, location, and capacity of drainage facilities shall be determined for any subdivision according to this Code, the City Engineer and standards for construction.
- G. Sanitary Sewage Disposal: facilities shall be installed to serve each lot, except where septic tank and leeching field services are approved, for each lot, and the soil absorption rate is adequate, the construction is approved by permit from the Arizona Department of Environmental Quality, the location of septic tanks, seepage pits, leech lines or disposal beds in relation to property lines and buildings, water supply wells and lines, are acceptable. Location shall be such that efficient and economical connection can be made to a future public sewer.
- In areas where subdivisions are not reasonably accessible to city sewer lines (beyond 250 feet from the nearest connection, measured from the nearest point of the subdivision to be developed to the nearest point of the sewer line), but the property to be developed is in a path of current development, septic tanks and leeching fields are acceptable but the developer shall plan and construct capped sewer line systems throughout the subdivision for connection to the city service as it becomes available to the subdivision, including stubs to property lines, at the time of development of the subdivision and plat approval along with septic tanks and leeching fields.
- H. Water Supply: for each lot shall be supplied and shall be constructed and prepared for use according to state regulations, and shall be safe, pure, and potable water in sufficient volume and pressure for the particular zoning district use and fire protection in accordance with city standards and the U.F.C. Connection to city water systems shall constitute the safe, pure, potable water requirement, but where inadequate pressure exists to provide minimum water flow standards, the subdivider/developer shall include and construct such improvements to the existing city water system, or provide the city payment to construct said improvements to provide the minimum standards required, including lines, easements, pumping stations, booster stations, valves, blow-off valves, reservoirs, wells, well heads, and all other necessary related improvements to

insure water adequacy to each lot in the subdivision for at least 45 pounds pressure to each lot, residential, and a minimum of 750 gallons per minute from all fire hydrants, residential. Pressures for commercial/industrial shall be according to the U.F.C. for each type. All water lines to be constructed shall be prepared for use in accordance with state chlorination and other regulations.

No approval of a preliminary or final plat shall be made until said water adequacy supply requirements are guaranteed by assurance of construction.

- I. Monuments: of the permanent type, shall be installed in accordance with city standards at all corners, angle points and points of curves, and at all street intersections, at all angle points and points of curve of all conservation easements. After all improvements have been installed, a registered land surveyor or engineer shall check the location of monuments and certify their accuracy.
- J. Lot Corners: of iron pipe, shall be set at all corners, angle points and points of curve for each lot within the subdivision prior to the recording of the plat.
- K. Street Lights: in subdivisions where all other utilities are installed underground, underground electrical service required for street lighting shall be installed to those light locations approved in the plat.
- L. A through K above shall be required whether located in a residential or commercial/industrial zoning district.
- 4. City Council Approval of Final Plat: shall be conditional upon the following:
 - A. Public improvements may be constructed in practical phases of development but shall be conditional upon approval by the Commission, and total completion of all plans and plats for all phases of development to be performed, and in logical phases of construction as approved by the City Engineer, the Commission and subsequently, the Board of Aldermen.
 - B. All improvements shall be constructed in accordance with approved plans and plats appropriately approved by all governmental agencies with jurisdiction.
 - C. All public improvements shall be constructed logically and in a timely fashion for each increment. Interruptions of construction of public improvements exceeding one year shall require a new application for approval of a preliminary and final plat including all fees therefor, and new assurances of construction. Developer/owner shall have thirty days after the one year limitation has expired to apply for a new plat approval or the project shall be

considered abandoned, and developer/owner shall forfeit all fees and assurances of construction to the city, who shall determine whether it is feasible to continue with the improvements and finish them, change, amend or abandon further development.

Some developments or Planned Area Developments may be submitted for approval with planned gaps in construction and public improvements for which allowance may be given based on circumstance. Gaps over one year in duration, in this case, shall be approved based on circumstance, timely submission of any necessary updated plans, and other terms agreed to by the Commission and Board of Aldermen.

Extensions due to circumstance may be granted to the developer/owner based on a case by case basis, providing the developer/owner requests an extension at least sixty (60) days in advance of the deadline in writing to the Planning Director. Approval of any extension shall be by the Commission and Board of Aldermen.

- D. Construction of all public improvements within the public right-of-way and easements shall be inspected at each logical step of construction by the City Engineer and when construction has been completed upon the written request of the developer/owner for the City Engineer to approve the public improvements made for acceptance by the city.

5. Necessity for Completion of Improvements Before Occupation of Any Building

The Chief Building Inspector shall not issue any building permit or any clearance for occupation of any building, until all the required improvements set forth in this Code have been complied with and plans have been approved, public improvements have been completed and signed off by the City Engineer, the work inspected and approved in writing and an assurance of construction has been filed with the city for all public improvements as required.

6. Appeals

Appeals of a decision or action regarding this Code may be made within thirty calendar days of such action or decision in writing to the City Assistant Administrator with a copy to the City Attorney but only concerning such action or decision not specifically covered in this Code, or where such action or decision is beyond the requirements of this Code, or there is an allegation that a misinterpretation of this Code has been made by city staff

- A. Appeals shall be in writing, and shall include only the specific allegation of disagreement. An appeal shall be heard within fifteen (15) working days from the date of the submission of the appeal. The hearing date, time, and location will be set by the Assistant Administrator and posted at City Hall. The Appellant shall submit any and all relative documentation supporting his concerns at the time of the request for a hearing. The hearing shall consist of the Appellant, his agent and/or attorney, the Assistant Administrator, the City Attorney, and the relevant city personnel involved in the appeal. Staff shall submit any and all relative documents and materials in support of the defense of his decision at least ten calendar days before the hearing, a copy of said materials to be sent certified mail to the Appellant or his attorney, or hand delivered.

The hearing shall be informal and all attempts at an amicable resolution of the problem should be made. In the event that the City Attorney determines that an interpretation of this Code is involved, then his opinion shall be the official decision concerning the appeal, and City Attorney shall inform Appellant of his opinion and shall render it to the Appellant in writing. In the event the issue is not relevant to any part of this Code, the Assistant Administrator upon the recommendation of the City Attorney, if any, shall render a decision on the appeal based upon all the information provided by the Appellant and staff.

In the event Appellant is not satisfied with the decision he may appeal the decision to the Board of Adjustment who shall render a decision based upon all the evidence presented. Said appeal to the Board shall be made by the Appellant within fifteen (15) calendar days from the date of the decision from the appeal hearing. The Board of Adjustment shall hear the

appeal' at the next regularly scheduled meeting of the Board so advertised and posted. The Board may, at their discretion, hear further evidence, oral arguments, new evidence, require City Attorney opinion and/or presence at the hearing, or request further information, and receive written briefs from both Appellant and/or city staff.

An appeal of the decision of the Board of Adjustment shall be made to Superior Court in accordance with A.R.S. 9-462.06 (J) within thirty (30) days after filing of the decision of the Board of Adjustment. Said filing in Superior Court shall not stay proceedings upon the decision appealed, but the Court may upon hearing, notify the Board for good cause shown, issue a restraining order, and on final hearing may reverse, affirm, or modify the decision reviewed.

- B. The right to appeal to a court of competent jurisdiction is guaranteed.

7. Modifications

A. Where, by majority action, the Board of Aldermen determine the existence of extraordinary conditions of topography, geology, land use, adjacent development or other circumstances not specifically provided for in this Code, said Board may decide by resolution to modify provisions of this Code in such manner and to such extent as it may deem appropriate concerning the public health, safety, and welfare. Said resolution shall be applicable on a case by case basis based on the determined circumstance for the public benefit.

Said Board reserves the right to amend this Code by ordinance.

B. In the case of a complete planned community (subdivision of over 100 lots with the inclusion of public schools, parks, recreation, open space, supporting neighborhood convenience stores and related), the Board of Aldermen may modify provisions of this Code in such manner as appears necessary and desirable to provide adequate space, improvements for circulation, recreation, light, air, and service needs of the tract when fully developed and populated, and may provide legal provisions as will assure conformity to and achievement of the plan.

C. The Board of Aldermen may make such additional amendments as appear necessary in its judgement to substantially secure the objectives of the standards of this Code.

D. Any modification or amendment to this Code shall be placed on a public hearing that the public shall have an opportunity to be heard. The modification or amendment shall be scheduled for consideration at a regularly scheduled meeting of the Board. Written protests will be accepted

by the City Clerk up to within twenty-four (24) hours before the scheduled meeting. Verbal comments may be made at the public hearing on the agenda item.